



March 29, 1999

Mr. Jason Marshall
Nichols, Mackson, Dillard
Hagar & Smith, L.L.P
1800 Lincoln Plaza
500 North Akard
Dallas, Texas 75201

OR99-0865

Dear Mr. Marshall:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 123384.

The City of Coppell (the "city") received a request for police reports in case # 98-53971 and case # 98-52598. You claim that the requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. Section 58.007 of the Family Code makes confidential juvenile law enforcement records concerning conduct occurring on or after September 1, 1997. Family Code section 51.04(a) states that the Juvenile Justice Code, Title 3 of the Family Code, "covers the proceedings in all cases involving the delinquent conduct or conduct indicating the need for supervision engaged in by a person who was a child within the meaning of [Title 3] at the time he engaged in the conduct." Thus, section 58.007 deems confidential law enforcement records involving the delinquent conduct or conduct indicating the need for supervision engaged in by a child. Case # 98-5397 involves an offense by a minor. Therefore, you must not release the requested information from case # 98-53971.

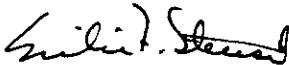
You argue that Section 552.108(a) of the Government Code excepts from disclosure the incident report in case # 98-52598. Section 552.108 (a) excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if: (1) release of the information would interfere

with the detection, investigation, or prosecution of crime; [or] (2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication.” You state that the requested offense report relates to a pending criminal investigation. Based upon this representation, we conclude that the release of the offense report would interfere with the detection, investigation, or prosecution of crime. *See Houston Chronicle Publ’g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref’d n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976) (court delineates law enforcement interests that are present in active cases).

Section 552.108 does not, however, except from required public disclosure “basic information about an arrested person, an arrest, or a crime.” Gov’t Code § 552.108(c). Because you have raised no other exception to disclosure, the city must release information of this type for case #98-52598 in accordance with *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Emilie F. Stewart
Assistant Attorney General
Open Records Division

EFS\nc

Ref: ID# 123384

Enclosures: Submitted documents

cc: Mr. Richard Novack
158 E. Bethal
Coppell, Texas 75019
(w/o enclosures)